

No deferred adjudication for aggravated assault on family member  
(SB 1285 by Tejeda/D. Hudson)

DIGEST: SB 1285 would have eliminated the authority of courts to grant deferred adjudication -- probation followed by possible dismissal of the proceedings upon compliance with imposed conditions -- to defendants who had entered a plea of guilty or nolo contendere to charges of aggravated assault on a family member.

GOVERNOR'S  
REASON  
FOR VETO:

While aggravated assault on a family member is a particularly distasteful crime, insufficient justification exists for eliminating deferred adjudication in these cases when it remains available for those defendants accused of aggravated assault of a non-family member, rape and murder.

RESPONSE:

Sen. Frank Tejeda, the author of SB 1285, said the governor had made a bad decision, prompted by not looking at the issue of family violence properly. Charges of aggravated assault on a family member, he said, usually result from a pattern of family abuse that the victim can no longer endure. Vetoing this legislation will allow the abuser right back into the victim's home.

NOTES:

SB 1285 passed the House on the Consent Calendar and was not analyzed in a Daily Floor Report.